

on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section on behalf of such supplier if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such litigation or to conduct such litigation.

#### SEC. 207. SUBSEQUENT IMPLER OF DISMISSED DEFENDANT.

(a) IMPEADING OF DISMISSED DEFENDANT.—A court, upon motion by a manufacturer or a claimant within 90 days after entry of a final judgment in an action by the claimant against a manufacturer, and notwithstanding any otherwise applicable statute of limitations, may implead a biomaterials supplier who has been dismissed from the action pursuant to this title if—

(1) the manufacturer has made an assertion, either in a motion or other pleading filed with the court or in an opening or closing statement at trial, or as part of a claim for contribution or indemnification, and the court makes a finding based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the manufacturer's liability for damages should be reduced in whole or in part because of such negligence or intentionally tortious conduct; or

(2) the claimant has moved to implead the supplier and the court makes a finding based on the court's independent review of the evidence contained in the record of the action, that under applicable law—

(A) the negligence or intentionally tortious conduct of the dismissed supplier was an actual and proximate cause of the harm to the claimant; and

(B) the claimant is unlikely to be able to recover the full amount of its damages from the remaining defendants.

(b) STANDARD OF LIABILITY.—Notwithstanding any preliminary finding under subsection (a), a biomaterials supplier who has been impleaded into an action subject to this title, as provided for in this section—

(1) may, prior to entry of judgment on the claim against it, supplement the record of the proceeding that was developed prior to the grant of the motion for impleader under subsection (a); and

(2) may be found liable to a manufacturer or a claimant only to the extent required and permitted by any applicable Federal or State law other than this title in an action alleging harm caused by an implant.

(c) DISCOVERY.—Nothing in this section shall give a claimant or any other party the right to obtain discovery from a biomaterials supplier defendant at any time prior to grant of a motion for impleader beyond that allowed under section 206.

#### TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

##### SEC. 301. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction pursuant to this Act based on section 1331 or 1337 of title 28, United States Code.

##### SEC. 302. EFFECTIVE DATE.

This Act shall apply with respect to any action commenced on or after the date of enactment of this Act without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before that date of enactment.

#### DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

##### BROWNBACK AMENDMENT NO. 3065

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 2168, *supra*; as follows:

On page 93, between lines 18 and 19, insert the following:

##### SEC. 423. USE OF STATE REVOLVING LOAN FUNDS FOR MUNICIPALITIES FOR DEVELOPMENT OF WATER SYSTEMS.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(2)) is amended in the first sentence by striking "community water systems and nonprofit noncommunity water systems" and inserting "community water systems, nonprofit noncommunity water systems, and municipalities for the development of such water systems".

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GORTON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Tuesday, July 7, 9:00 a.m., Hearing Room (SD-406) on the following wildlife legislation: S. 2094, Fish and Wildlife Revenue Enhancement Act of 1998; S. 361, Rhino and Tiger Product Labeling Act; H.R. 2807, Rhino and Tiger Product Labeling Act; H.R. 3113, Rhinoceros and Tiger Conservation Reauthorization Act of 1998; S. 263, Bear Protection Act; S. 659, Great Lakes Fish and Wildlife Restoration Act of 1997; S. 2244, National Wildlife Refuge System Volunteer and Partnership Enhancement Act of 1998; and S. 1970, the Neotropical Migratory Bird Conservation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Tuesday, July 7, 1998, at 10:30 a.m., in room 226, of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, July 7, 1998 at 9:00 a.m. to hold a hearing in room 342, Senate Dirksen Building, on: "Convergence and Consolidation in the Entertainment and Information Industries: What Does the Future Hold?"

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. GORTON. Mr. President, the Finance Committee Subcommittee on

International Trade requests unanimous consent to conduct a hearing on Tuesday, July 7, 1998, beginning at 10:00 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. GORTON. Mr. President, the Finance Committee Subcommittee on Social Security and Family Policy requests unanimous consent to conduct a hearing on Tuesday, July 7, 1998, beginning at 2:00 p.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JENNY CHUASIRIPORN

• Ms. MIKULSKI. Mr. President, I rise today to pay tribute to an outstanding young Maryland woman, Jenny Chuasiriporn. Yesterday, Jenny, a 20-year-old amateur golfer, placed second in the U.S. Women's Open following a "sudden death" round with the ultimate winner, Se Ri Pak. Although Jenny did not place first in the U.S. Women's Open, she won a place in my heart and in the hearts of many others.

Jenny Chuasiriporn is a senior at Duke University and is from Timonium, Maryland. Her pursuit of excellence in golf is truly a family affair. Her 21-year-old brother, Joey, was her caddy and coach. Her parents were also at the Blackwolf Run Golf Course in Wisconsin to cheer on their daughter, having closed up their family business, the Bangkok Place restaurant on York Road, to be with her.

Now, I will be the first to admit that I do not share much with Jenny in regard to the quality of my golf game. My golf handicap is pretty close to the height of the Washington Monument! But I do think I'm a pretty good putter. And I know from first hand experience that the game of golf takes an extraordinary amount of concentration and consistency to drive down the fairway, angle that chip shot, and putt slowly and surely. Jenny has that great concentration and consistency. She is and will be a great golfer. I, on the other hand, will stick with the Senate!

Jenny also exhibited strong endurance. On Sunday, she hit a forty foot birdie putt that forced the tournament into a playoff round. After an 18-hole playoff round, the game was still tied between Jenny and Se Ri. Then the tournament went into what they call a "sudden death" round. It was the first sudden death round in the U.S. Women's Open 53-year history. Finally, on the second hole of "sudden death", Se Ri Pak hit an 18-foot birdie to win the tournament. But Jenny Chuasiriporn, the young Maryland amateur, had held on tight for five long days of golf and can surely call herself a winner.